



Northern Ireland  
Assembly

**COMMITTEE FOR AGRICULTURE, ENVIRONMENT AND RURAL AFFAIRS**

**MINUTES OF PROCEEDINGS**

**THURSDAY 30 JANUARY 2020  
ROOM 30, PARLIAMENT BUILDINGS**

Present: Mr Declan McAleer MLA (Chairperson)  
Mr Philip McGuigan MLA (Deputy Chairperson)  
Ms Clare Bailey MLA  
Mrs Rosemary Barton MLA  
Mr Maurice Bradley MLA  
Mr John Dallat MLA  
Mr Harry Harvey MLA  
Mr William Irwin MLA

Apologies: Mr John Blair MLA

In attendance: Ms Stella McArdle, Committee Clerk  
Ms Elaine Farrell, Assistant Assembly Clerk  
Ms Marion Johnson, Clerical Supervisor  
Mr Thomas Coogan, Clerical Officer

*The meeting commenced in 10.00 am in open session.*

**Agreed: The Committee agreed to move to agenda item 3.**

**1. Ministerial Briefing**

The Minister for Agriculture, Environment and Rural Affairs and departmental officials joined the meeting at 10.10 am:

Mr Edwin Poots MLA, Minister for Agriculture, Environment and Rural Affairs  
Dr Denis McMahon, Permanent Secretary  
Norman Fulton, Deputy Secretary, Food and Farming  
David Small, Grade 3, Head of Environment, Marine and Fisheries Group  
and Chief Executive of NI Environment Agency

*Mr Irwin joined the meeting at 10.06 am.*

The Minister and his officials briefed the Committee and this was followed by a question and answer session.

*Mr Irwin declared an interest that his son has a herd of cattle with a Bovine TB issue.*

*The meeting suspended at 10.55 am.*

*The meeting resumed at 11.05 am*

- Agreed:* The Committee agreed to write to the Department to request a separate briefing on budget issues.
- Agreed:* The Committee agreed to write to the Department to request information on tracking the route of plastic recycling.
- Agreed:* The Committee noted that the UK Environment Bill had been introduced today and would be taken through Westminster in 6-8 weeks. The Committee agreed to write to the Department to request a briefing within two weeks on the Legislative Consent Memorandum Motion.
- Agreed:* The Committee agreed to request RaISe briefings on the UK Bills on Environment, Fisheries and Agriculture.
- Agreed:* The Committee agreed to request RaISe briefings on the NI Protocol and its impact on the DAERA remit.
- Agreed:* The Committee agreed to write to the Department to request a briefing on Brexit and the implication for the Department.

*Mr Irwin left the meeting at 11.30 am.*

*Mr Irwin rejoined the meeting at 11.45 am.*

The oral evidence session was reported by Hansard.

The Chairperson thanked the Minister and his officials for their attendance.

## **2. Apologies**

As above.

### **3. Draft Minutes**

*Agreed:* The Committee agreed the minutes of the meeting held on 23 January 2020.

### **4. Departmental briefing on the backlog of Statutory Rules**

The following departmental officials joined the meeting at 11.47 a.m.

Claire Vincent, Grade 5, Director of Marine and Fisheries Branch  
Paddy Campbell, Deputy Principal, Sea Fisheries Policy  
Patrick Smith, Deputy Principal, Sea Fisheries Policy and Grants

The officials briefed the Committee and this was followed by a question and answer session.

### **5. SR 2019/61: The Sea Fish Licensing Order (Northern Ireland) 2019**

The Committee considered The Sea Fish Licensing Order (Northern Ireland) 2019, which provides that foreign fishing vessels must have a licence to fish in the respective national waters once the United Kingdom leaves the European Union.

*Agreed:* The Committee agreed to defer consideration of SR 2019/61: The Sea Fish Licensing Order (Northern Ireland) 2019 until further clarification on a range of issues was provided by the Department.

### **6. SR 2019/65: The Sea Fishing (Licenses and Notices) (Amendment) Regulations (Northern Ireland) 2019**

The Committee considered The Sea Fishing (Licenses and Notices) (Amendment) Regulations (Northern Ireland) 2019 which provides for a minor amendment to the definition of a nominee for receipt of licences by the Department as a consequence of the Sea Fish Licensing Order (Northern Ireland) 2019.

*Agreed:* The Committee agreed to defer consideration of SR 2019/65: The Sea Fishing (Licenses and Notices) (Amendment) Regulations (Northern Ireland) 2019 until further clarification on a range of issues was provided by the Department.

*Agreed:* The Committee agreed to reconsider both SR 2019/61 and SR 2019/65 at its meeting on 6 February 2020.

The Chairperson thanked the officials for their attendance.

## **7. SR 2019/240: The Waste Regulations (Northern Ireland) 2019**

Departmental official, Wendy Lindsay, Deputy Principal, Waste Strategy branch, joined the meeting at 12.05 pm.

The Committee considered The Waste Regulations (Northern Ireland) 2019, which makes minor and technical amendments to primary and subordinate legislation, to ensure that the requirements of the revised Waste Framework Directive have been met.

*Agreed:* The Committee considered SR 2019/240: The Waste Regulations (Northern Ireland) 2019 and subject to the Examiner of Statutory Rules report had no objection to the Rule.

The Chairperson thanked the official for her attendance.

Departmental official, John Joe O'Boyle, Chief Executive, Forest Service, joined the meeting at 12.07 pm. The Chairperson noted advice that the Statutory Rules in this group that had been revoked should be considered. The Committee could not annul these rules but should consider their policy impact while operational.

## **8. SR 2017/86: The Environmental Impact Assessment (Forestry) (Amendment) Regulations (Northern Ireland) 2017**

The Committee considered The Environmental Impact Assessment (Forestry) (Amendment) Regulations (Northern Ireland) 2017 which amends the existing implementation of Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment ("EIA Directive"). It brings into effect Directive 2014/52/EU amending Directive 2011/92/EU ("2014 Directive"), which amends the EIA Directive.

*Agreed:* The Committee considered SR 2017/86: The Environmental Impact Assessment (Forestry) (Amendment) Regulations (Northern Ireland) 2017 and subject to the Examiner of Statutory Rules report had no objection to the Rule.

## **9. SR 2017/119: The Marketing of Fruit Plant and Propagating Material Regulations (Northern Ireland) 2017**

The Committee considered The Marketing of Fruit Plant and Propagating Material Regulations (Northern Ireland) 2017 which will implement Council



Directive 2008/90 /EC on the marketing of fruit plant propagating material, and fruit plants intended for fruit production. It also implements the Commission Implementing Directive 2014/96/EU, 2014/97/EU and 2014/98/EU

*Agreed:* The Committee considered SR 2017/119: The Marketing of Fruit Plant and Propagating Material Regulations (Northern Ireland) 2017 and subject to the Examiner of Statutory Rules report had no objection to the Rule.

**10. SR 2017/155: The Seed Potatoes (Amendment) Regulations (Northern Ireland) 2017**

The Committee considered The Seed Potatoes (Amendment) Regulations (Northern Ireland) 2017 which amend the Seed Potatoes Regulations (Northern Ireland) 2016 (S.R. 2016 No. 190) and provide for certification and marketing of seed potatoes in Northern Ireland to transpose Directive 2016/317 on EU labelling requirements.

*Agreed:* The Committee considered SR 2017/155: The Seed Potatoes (Amendment) Regulations (Northern Ireland) 2017 and subject to the Examiner of Statutory Rules report had no objection to the Rule.

**11. SR 2018/183: The Marketing of Ornamental Plant Propagating Material (Amendment) Regulations (Northern Ireland) 2018**

The Committee considered The Marketing of Ornamental Plant Propagating Material (Amendment) Regulations (NI) 2018 which amends the Marketing of Ornamental Plant Propagating Material Regulations (Northern Ireland) 1999 (S.R. 1999 No. 502) which implements Council Directive 1998/56/EC and sets out the marketing requirements for ornamental plant propagating material. It implements Commission Implementing Directive (EU) 2018/484 which sets out additional marketing requirements for certain species of Palmae (palms, including trees) to prevent infestation of the harmful organism *Rhychophorus ferrugineus* (Olivier), also known as red palm weevil.

*Agreed:* The Committee considered SR 2018/183: The Marketing of Ornamental Plant Propagating Material (Amendment) Regulations (Northern Ireland) 2018 and subject to the Examiner of Statutory Rules report had no objection to the Rule.

## **12. SR 2018/184: The Plant Health Order (Northern Ireland) 2018**

The Committee considered The Plant Health Order (Northern Ireland) 2018 which consolidates with amendments the Plant Health Order (Northern Ireland) 2006 (S.R. 2006 No. 82) which contains measures to prevent the introduction and spread of harmful plant pests and diseases and the Plant Health (Phytophthora ramorum) Order (Northern Ireland) 2005 (S.R. 2005 No. 23) which contains measures to prevent the introduction and spread of Phytophthora ramorum and various amendments to those Orders.

*Noted:* The Committee noted that SR 2018/184: The Plant Health order (Northern Ireland) 2019 has subsequently been revoked by SR 2019/230.

*Agreed:* The Committee considered SR 2018/184: The Plant Health Order (Northern Ireland) 2018 and subject to the Examiner of Statutory Rules report had no objection to the Rule.

## **13. SR 2019/41: The Plant Health and Seeds (Miscellaneous Amendments) Regulations (Northern Ireland) 2019**

The Committee considered The Plant Health and Seeds (Miscellaneous Amendments) Regulations (Northern Ireland) 2019 which make necessary amendments in order to update out of date legislative references within domestic legislation. The amendments will be made under existing powers in the European Communities Act 1972 prior to EU exit day. The amendments are minor and technical and do not involve implementing a new policy.

*Agreed:* The Committee considered SR 2019/41: The Plant Health and Seeds (Miscellaneous Amendments) Regulations (Northern Ireland) 2019 and subject to the Examiner of Statutory Rules report had no objection to the Rule.

## **14. SR 2019/49: The Plant Health (Amendment) Order (Northern Ireland) 2019**

The Committee considered The Plant Health (Amendment) Order (Northern Ireland) 2019 which amends the Plant Health Order (Northern Ireland) 2018 (S.R. 2018 No. 184) ("the principal Order") which contains measures to prevent the introduction and spread of harmful plant pests and diseases. It extends current measures to protect against the introduction of *Xylella fastidiosa* from the EU following findings on olive trees in Belgium, implements the specific control measures in Commission



Implementing Decisions (EU) 2018/1503 and (EU) 2018/1511, removes provisions relating to Commission Implementing Decisions 2014/237/EU and (EU) 2015/1849 which are no longer in force and updates the principal Order to clarify all the material that is subject to import checks

*Noted:* The Committee noted that SR 2019/49: The Plant Health (Amendment) Order (Northern Ireland) 2019 has subsequently been revoked by SR 2019/230.

*Agreed:* The Committee considered SR 2019/49: The Plant Health (Amendment) Order (Northern Ireland) 2019 and subject to the Examiner of Statutory Rules report had no objection to the Rule.

**15. SR 2019/50: The Forest Reproductive Material (Amendment) Regulations (Northern Ireland) 2019**

The Committee considered The Forest Reproductive Material (Amendment) Regulations (Northern Ireland) 2019 which amends The Forest Reproductive Material Regulations (Northern Ireland) 2002 (S.R. 2002 No. 404) which make provisions for the approval of basic material for use in the production of forest reproductive material which may be marketed in Northern Ireland.

*Agreed:* The Committee considered SR 2019/50: The Forest Reproductive Material (Amendment) Regulations (Northern Ireland) 2019 and subject to the Examiner of Statutory Rules report had no objection to the Rule.

**16. SR 2019/73: The Plant Health (Import Inspection Fees) Regulations (Northern Ireland) 2019**

The Committee considered The Plant Health (Import Inspection Fees) Regulations (Northern Ireland) 2019 which revoke and replace the Plant Health (Import Inspection Fees) Regulations (Northern Ireland) 2005 and the Plant Health (Import Inspection Fees) (Wood and Bark) Regulations (Northern Ireland) 2005. Under Directive 2000/29/EC member States are required to charge fees to cover the costs of documentary, identity and plant health checks of certain imports of plants, plant products and other objects from third countries. The Directive contains a procedure for setting reduced rates of inspection for imports of plants, plant products and for charging fees at a proportionally reduced rate.

*Agreed:* The Committee considered SR 2019/73: The Plant Health (Import Inspection Fees) Regulations (Northern Ireland) 2019 and subject to the Examiner of Statutory Rules report had no objection to the Rule.

**17. SR 2019/99: The Plant Health (Wood and Bark) (Amendment) Order (Northern Ireland) 2019**

The Committee considered The Plant Health (Wood and Bark) (Amendment) Order (Northern Ireland) 2019 which revokes and replaces the Plant Health (Import Inspection Fees) Regulations (Northern Ireland) 2005 and the Plant Health (Import Inspection Fees) (Wood and Bark) Regulations (Northern Ireland) 2005. Under Directive 2000/29/EC member States are required to charge fees to cover the costs of documentary, identity and plant health checks of certain imports of plants, plant products and other objects from third countries. The Directive contains a procedure for setting reduced rates of inspection for imports of plants, plant products and for charging fees at a proportionally reduced rate.

*Noted:* The Committee noted that SR 2019/99: The Plant Health (Wood and Bark) (Amendment) Order (Northern Ireland) 2019 has subsequently been revoked by SR 2019/230.

*Agreed:* The Committee considered SR 2019/99: The Plant Health (Wood and Bark) (Amendment) Order (Northern Ireland) 2019 and subject to the Examiner of Statutory Rule report had no objection to the Rule.

**18. SR 2019/151: The Plant Health (Amendment No.2) Order (Northern Ireland) 2019**

The Committee considered The Plant Health (Amendment No.2) Order (Northern Ireland) 2019 which amends the Plant Health Order (Northern Ireland) 2018 (S.R. 2018 No. 184) ("the principal Order") which contains measures to prevent the introduction and spread of harmful plant pests and diseases. It strengthens current measures to protect against the introduction of Oak Processionary Moth (OPM) into Northern Ireland following the finding of OPM caterpillars on oak trees imported into England from nurseries in the Netherlands and Germany.

*Noted:* The Committee noted that SR 2019/151: The Plant Health (Amendment No.2) Order (Northern Ireland) 2019 has subsequently been revoked by SR 2019/230.



*Agreed:* The Committee considered SR 2019/151: The Plant Health (Amendment No.2) Order (Northern Ireland) 2019 and subject to the Examiner of Statutory Rules report had no objection to the Rule.

**19. SR 2019/160: The Plant Health (Amendment No.3) Order (Northern Ireland) 2019**

The Committee considered The Plant Health (Amendment No.3) Order (Northern Ireland) 2019 which amends the Plant Health Order (Northern Ireland) 2018 (S.R. 2018 No. 184) ("the principal Order") which contains measures to prevent the introduction and spread of harmful plant pests and diseases. It implements the specific control measures in Commission Implementing Decision (EU) 2019/449 and Commission Implementing Directive (EU) 2019/523.

*Noted:* The Committee noted that SR 2019/160: The Plant Health (Amendment No.3) Order (Northern Ireland) 2019 has subsequently been revoked by SR 2019/230.

*Agreed:* The Committee considered SR 2019/160: The Plant Health (Amendment No.3) Order (Northern Ireland) 2019 and subject to the Examiner of Statutory Rules report had no objection to the Rule.

**20. SR 2019/161: The Marketing of Plant and Propagating Material (Amendment) Regulations (Northern Ireland) 2019**

The Committee considered The Marketing of Plant and Propagating Material (Amendment) Regulations (Northern Ireland) 2019 which amends the Marketing of Vegetable Plant Material Regulations (Northern Ireland) 1995 and the Marketing of Fruit Plant and Propagating Material Regulations (Northern Ireland) 2017 to provide that the Department may authorise the marketing of plant material from any country outside the European Union if satisfied that the plant material has been produced under conditions equivalent to those required by the Regulations in each case.

*Agreed:* The Committee considered SR 2019/161: The Marketing of Plant and Propagating Material (Amendment) Regulations (Northern Ireland) 2019 and subject to the Examiner of Statutory Rules report had no objection to the Rule.

## **21. SR 2019/162: The Plant Health (Wood and Bark) (Amendment No. 2) Order (Northern Ireland) 2019**

The Committee considered The Plant Health (Wood and Bark) (Amendment No. 2) Order (Northern Ireland) 2019 which amends the Plant Health (Wood and Bark) Order (Northern Ireland) 2006 (S.R. 2006 No. 66) ("the principal Order") which contains measures to prevent the introduction and spread of harmful plant pests and diseases. It implements the specific control measures in Commission Implementing Decision (EU) 2018/1503, Commission Implementing Decision (EU) 2018/1959 and Commission Implementing Directive (EU) 2019/523.

*Noted:* The Committee noted that SR 2019/162: The Plant Health (Wood and Bark) (Amendment No. 2) Order (Northern Ireland) 2019 has subsequently been revoked by SR 2019/230.

*Agreed:* The Committee considered SR 2019/162: The Plant Health (Wood and Bark) (Amendment No. 2) Order (Northern Ireland) 2019 and subject to the Examiner of Statutory Rules report had no objection to the Rule.

## **22. SR 2019/230: The Plant Health (Official Controls and Miscellaneous Provisions) Regulations (Northern Ireland) 2019**

The Committee considered The Plant Health (Official Controls and Miscellaneous Provisions) Regulations (Northern Ireland) 2019, which will implement the new EU Plant Health Regulation (Regulation (EU) 2016/2031) and the plant health elements of the new Official Controls Regulation (Regulation (EU) 2017/625) and associated tertiary legislation, which applies from 14 December 2019.

*Agreed:* The Committee considered SR 2019/230: The Plant Health (Official Controls and Miscellaneous Provisions) Regulations (Northern Ireland) 2019 and subject to the Examiner of Statutory Rules report had no objection to the Rule.

The Chairperson thanked the official for his attendance.

## **23. Correspondence**

The Committee noted the following:



- i. Memorandum of Understanding between the Department for Infrastructure and DAERA on drinking water quality.
- ii. The Loughs Agency Annual Report and Accounts for year ended 31 December 2019.
- iii. Correspondence from QUB offering to brief the Committee on UK Withdrawal, Statutory Instruments and Devolved Competence.
- iv. The Strategic Investment Board Investing Activity Report for DAERA for January 2020.
- v. Request from Northern Ireland Environment Link request to brief the Committee. It was noted that this organisation would be invited to brief the Committee at a future date.

The Committee considered correspondence from a member of the public regarding an environmental issue at Granville Industrial Estate.

*Agreed:* The Committee agreed to write to the correspondent to advise that the issues raised are constituency matters, and as such, should be referred to the appropriate Department and constituency MLAs.

The Committee considered correspondence from a member of the public regarding an environmental issue at the Mobuoy Dump.

*Agreed:* The Committee agreed to write to the correspondent to advise that the issues raised are constituency matters, and as such, should be referred to the appropriate Department and constituency MLAs.

#### **24. Forward Work Programme**

*Agreed:* The Committee agreed to host a stakeholder event for rural community groups immediately after one of the Committee meetings.

*Agreed:* The Committee agreed to try and schedule a visit to DAERA HQ, Ballykelly, in late March.

*Agreed:* The Committee agreed to a joint visit with the Economy and Infrastructure Committees post Easter recess to Belfast and/or Larne ports.

#### **25. AOB**

There was no other business.

#### **26. Date, time and place of the next meeting**



The next meeting of the Committee for Agriculture, Environment and Rural Affairs will take place on Thursday 6 February 2020 at 10.00 a.m. in Room 30.

*Agreed:* The Committee agreed to move into closed session to consider the agenda item on committee protocols.

*The Committee moved into closed session at 12.21 pm.*

## **27. Committee Protocols**

The Committee noted the following Committee Protocols:

- i. The Guide to the Role of the Committee Chairperson.
- ii. The Guide to the Powers and Operation of Statutory Committees for Chairpersons and Members.
- iii. The Guide to the Powers of Operation of Standing and Ad Hoc Committee for Chairpersons and Members.
- iv. The Outcomes of an Effective Committee.
- v. The Timescales for Interaction between Assembly Committees and Departments.
- vi. The Committee approach to preparation and questioning.
- vii. The Committee Legacy Report for the Mandate 2011-2016.

12.24 p.m. *The meeting adjourned.*

*Declan McAleer*

Declan McAleer, Chairperson, Committee for Agriculture and Rural Development

*6 Feb 2020*

Date